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A BILL FOR AN ACT

A BILL FOR AN ACT RELATING TO FIRE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The State Fire Council was created to replace
2 the Office of the State Fire Marshals, which was a fully funded
3 state agency. Under the present organization, the SFC receives
4 funding for travel to its meetings and other incidental
5 expenses. Without funding for staff positions, the SFC has had
6 difficulty in meeting its mandated duties. This work must be
7 performed by county fire department personnel, thus depriving
8 the county fire department of the services of its members. In
9 addition, the SFC coordinates statewide training, data
10 collection of all fires, investigations, and reporting fires,
11 and may advise the governor and legislature with respect to fire
12 prevention, protection, and life safety.

13 The purposes of this bill is to provide the authority to
14 the state fire council to expend any federal grant money it
15 receives; to strengthen and close the loopholes that allow for
16 violation of the state fire code; and to allow the State Fire
17 Council to become self sufficient by allowing the council to

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1 utilize fees and fines collected in association with fireworks
2 to fund their operations and to fund two positions to administer
3 the state fire code.

4 SECTION 2. There is added to Chapter 132, Hawaii Revised
5 Statutes, a new section to be appropriately designated and to
6 read as follows:

7 "§132- State fire council special fund. (a) There is
8 established in the state treasury a special fund to be known as
9 the state fire council special fund into which shall be
10 deposited all fees, penalties, fines, and interest collected
11 pursuant to chapter 132D. The moneys in the fund may be used to
12 carry out the purposes of this section. The director of the
13 department of labor and industrial relations shall disburse the
14 moneys in the fund.

15 (b) The fund may be used for:

16 (1) Personnel and operating expenses for an
17 administrator and an administrative assistant for the
18 state fire council;

19 (2) All necessary council costs and reimbursements;

20 (3) Preparation and dissemination of public
21 information on subjects as they pertain to the state
22 fire council;

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(4) Expenses of the state fire council programs and activities, including training firefighters in the execution of their duties and other activities.

(5) Preparation of annual reports on the fund and its programs, activities and accomplishments.

(c) The state fire council shall submit an annual report to the legislature on the status of the fund, including expenditures and program results, not less than twenty days prior to the convening of each regular session."

SECTION 3. Section 132-16, Hawaii Revised Statutes, is amended by adding a new subsection (d) to read as follows:

"§132-16 State fire council; composition; functions. (a)

There is established a state fire council which shall be placed within the department of labor and industrial relations for administrative purposes. The state fire council shall consist of the fire chiefs of the counties. The state fire council may appoint an advisory committee to assist it in carrying out its functions under this chapter. The advisory committee may include the heads of the various county building departments, a licensed architect recommended by the Hawaii Society of the American Institute of Architects, a licensed electrical engineer and a licensed mechanical engineer recommended by the Consulting

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1 Engineers Council of Hawaii, a representative of the Hawaii
2 Rating Bureau, a representative of the Hawaii firefighters
3 association, representatives of the county fire departments, and
4 such other members of the public as the state fire council may
5 determine can best assist it. The state fire council shall elect
6 a chairperson from among its members.

7 (b) In addition to adopting a state fire code pursuant to
8 section 132-3, the state fire council shall serve as a focal
9 point through which all applications to the federal government
10 for federal grant assistance for fire-related projects shall be
11 made.

12 (c) The state fire council may also:

13 (1) Appoint advisory committees comprised of
14 representatives from each county fire department to
15 assist in drafting the state fire code and coordinating
16 statewide training, data collection, and contingency
17 planning needs for firefighters; and

18 (2) Advise and assist the county fire departments where
19 appropriate, may prescribe standard procedures and
20 forms relating to inspections, investigations, and
21 reporting of fires, may approve plans for cooperation
22 among the county fire departments, and may advise the

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1 governor and the legislature with respect to fire
2 prevention and protection, life safety, and any other
3 functions or activities for which the various county
4 fire departments are generally responsible.

5 (c) The state fire council may employ a full-time
6 administrator and an administrative assistant, and other staff
7 as it deems necessary to perform its functions, without regard
8 to chapters 76 and 89, and may dismiss such persons as it finds
9 necessary for the performance of its function and duties. The
10 council shall prescribe salaries for the administrator, the
11 administrative assistant, and any other staff employed pursuant
12 to this section.

13 (d) Upon the receipt of any such federal grants, the state
14 fire council shall administer such federal grants."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2005.

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19 INTRODUCED BY: _____

20 BY REQUEST